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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/762,075	03/26/2001	Yasuyuki Mitsuoka	S004-4200PCT)	7841

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Adams & Wilks
31st Floor
50 Broadway
New York, NY 10004

EXAMINER

TRAN, THANG V

ART UNIT	PAPER NUMBER
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2653

DATE MAILED: 03/10/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/762,075

Applicant(s)

MITSUOKA ET AL.

Examiner

Thang V. Tran

Art Unit

2653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-4, 7-13, 16, 19 and 20 is/are allowed.
- 6) ☒ Claim(s) 5, 6, 14 and 15 is/are rejected.
- 7) ☒ Claim(s) 17 and 18 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 5, 6, 14 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Okada (JP 02304737) cited by Applicant.

Okada, according to Figs. 1-3, shows an information recording medium (optical disk D) comprising a readout track containing an information unit comprised of a groove (6) having a depth which increases constantly or gradually in a direction perpendicular to both a length of the readout track and a depth of the information recording medium (see Fig. 2) as recited in claim 5.

Regarding claim 6, also see Figs. 1-3 which show an information recording medium (optical disk D) comprising a readout track having a groove containing an information unit and the groove is a saw tooth shaped in a section taken in a direction perpendicular to a readout track direction and the information unit is formed along a slant surface of the saw tooth shaped groove (see Fig. 2) as recited in claim 6.

Regarding claims 14 and 15, also see Figs. 1-3 which show an information recording medium (optical disk D) comprising a readout track having an information unit formed along a slant surface and the readout track is asymmetric about an axis extending in a direction perpendicular to a scanning direction of probe (4) for recording/reproducing the information unit (see Figs. 2 and 3) as recited in claim 14 and 15.

Allowable Subject Matter

3. Claims 1-4, 7-13, 16, 19 and 20 are allowed over the prior art of record because the prior art of record, considered in combination or individually, fails to suggest or fairly teach an optical recording medium including a combination of all features as recited in each of claims 1, 4, 8, 9, 13 and 19 or an information recording/reproducing apparatus including a combination of all features as recited in each of claims 7, 10, 11 and 12.

Claims 2, 316 and 20 are allowed with their respective parent claim.

4. Claims 17 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 17 and 18 are allowable over the prior art of record because the prior art of record, considered in combination or individually, fails to suggest or fairly teach an information recording/reproducing apparatus including a combination of all features as recited in each of claims 17 and 18.

Cited References

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited reference relates to an information recording medium having data region and servo region, and wherein the servo region having pit information recorded in a stepwise manner.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thang V. Tran whose telephone number is (703) 308-

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1551. The examiner can normally be reached on Tuesday to Friday, from 7:30AM to 6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on (703) 305-6137. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Thang V. Tran
Primary Examiner
Art Unit 2653